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DISCLOSURE ADVISORY

For the person named above, whom the People may call as a witness, please be advised as follows.

1. The New York City Civilian Complaint Review Board (CCRB) has deemed substantiated allegations that on or about March 8, 2015, Fernando Rodriguez abused his authority by asking the complainant for her identification, and then issuing summonses to that complainant and another in retaliation for their having expressed their desire to file a complaint against him. The CCRB also noted the following further misconduct: Fernando Rodriguez intentionally made a false official statement to the CCRB. These allegations arose out of an incident in which Officer Rodriguez issued a summons for tinted windows to the complainants, who were parked across from the stationhouse, and the complainants then entered the precinct to file a complaint. Officer Rodriguez testified that when he observed the complainants in the precinct, they were yelling and using profanity; that he requested identification from one of the complainants as a result of unspecified violent and threatening behavior on the part of the complainant; and that he placed them under arrest for disorderly conduct. Based on a review of video footage capturing the arrest, the CCRB found that Fernando Rodriguez testified falsely about the complainants' statements in order to exaggerate their adversarial behavior. The CCRB also found, based on the review of the video evidence of the arrest, that Officer Rodriguez testified falsely when he stated that he intended to arrest the complainants when he initially asked for identification. The investigation determined by a preponderance of the evidence that, in the absence of any other threatening or violent behavior prior to their custodial arrests, Officer Rodriguez had no basis to request the identification or subsequently issue the complainants summonses for disorderly conduct. The investigation determined that, given the adversarial interaction that had occurred outside the stationhouse, the summonses were actually issued in retaliation for the civilians expressing their desire to file a complaint against Officer Rodriguez.

2. The CCRB has deemed substantiated allegations that on or about December 26, 2015, Fernando Rodriguez abused his authority when he stopped a civilian without a lawful basis and spoke discourteously to that civilian and another. The CCRB also noted the following further misconduct: Fernando Rodriguez failed to produce a stop and frisk report and failed to prepare a memo book entry. These allegations arose out of an incident in which Officer Rodriguez stopped two men after observing that one of them had a handgun on his waist. The two men were guards for a check-cashing business, and the man with the gun had a permit for it. The CCRB found that Officer Rodriguez abused his authority when he stopped the second man, who was with the man with the firearm. The CCRB further found that Officer Rodriguez, despite his denial to the CCRB that he used any obscenities during the incident, used profanity in speaking with the civilians at a point in time after he had determined that they posed no threat to his safety. Officer Rodriguez made an entry on the fly page of his memo book, but no entry in the ruled portion of the book.

3. The New York City Police Department has deemed substantiated an allegation from June 25, 2018, that Fernando Rodriguez failed to safeguard and voucher prisoner property, in that he failed to voucher two keys for a vehicle.

Various publicly available websites and databases contain disciplinary information for certain law enforcement officers. Information in such databases about this officer is not necessarily included in this advisory.

Any information herein regarding civil lawsuits against an officer is not necessarily a complete list of civil lawsuits in which that officer is a defendant.

Allegations of misconduct that have not been substantiated and are not pending (including, but not limited to, findings of unsubstantiated, unfounded, and exonerated), and allegations of technical infractions, are not subject to disclosure and are not included in this advisory.

The decision to include information in this advisory does not represent a conclusion by the People that it is required to be disclosed.

The People reserve the right to oppose or move to limit the use of any information included herein or disclosed in the future.

If you have any questions, please contact the Assistant District Attorney assigned to the case on which you are receiving this advisory.

Date: February 16, 2021